REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-33 and 35 are pending in the present application, Claims 1-27, 31-33 and 35 having been amended  Support for the amendments to Claims 1-27, 31-33 and 35 is found, for example, Figs. 1A-2, and their corresponding descriptions in the specification, and the attached appendices.  Applicants respectfully submit that no new matter is added.

In the outstanding Office Action, Claims 1-3, 5-7, 9-11, 13-15, 17-19, 21-23, and 25-30 were rejected under 35 U.S.C. §103(a) as anticipated by Rada et al. (*Hypertext Interchange Using ICA*, June 1995, pages 99-117, hereinafter Rada) in view of Linden et al. (*ALCHEMIST: A General Purpose Transformation Generator*, department of computer science, University of Helsinki Finland, Report C-1995-43, September 1995, hereinafter Linden); and Claims 4, 8, 12, 16, 20, and 24 were rejected under 35 U.S.C. §103(a) as anticipated by Rada in view of Linden, and further in view of Burnard (*SGML on the Web*: Too Little Too Soon, or Too Much Too Late?, Nov. 1, 1996, pages 1-9).

Initially, it is noted that the outstanding Office Action does not address Claims 31-35.  Thus, the Office has violated 37 CFR §1.104 (b) and (c).  Accordingly, the outstanding Office Action is incomplete and should be withdrawn and replaced with a proper action that addresses each of the pending claims.

With respect to Linden (or Linden2 as the Office refers to it), the Office appears to assume that September 1995 is the publication date.  However, Linden very clearly states "The papers in this series are intended for **internal use and are distributed by the author**"

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(emphasis added).[1] This language of <u>Linden</u> suggests that the document was not publicly

available as of September 1995.

Applicants note MPEP §2128, which states **"Prior art disclosures on the Internet**

**or on an online database are considered to be publicly available as of the date the item**

**was publicly posted. Absent evidence of the date that the disclosure was publicly**

**posted, if the publication itself does not include a publication date (or retrieval date), it**

**cannot be relied upon as prior art under 35 U.S.C. 102(a) or (b)."**

The Office is respectfully requested to identify which section of 35 U.S.C. §102

<u>Linden</u> is believed to qualify as prior art under, and to produce evidence of the actual date

that <u>Linden</u> was published or became publicly available.

To advance prosecution, Applicants will explain why the pending claims patentably

distinguish over <u>Linden</u>.[2]

With respect to the rejection of Claim 1 as unpatentable over <u>Rada</u> and <u>Linden,</u>

Applicants respectfully submit that the amendment to Claim 1 overcomes this ground of

rejection. Amended Claim 1 recites, *inter alia,*

> transforming a first document or database structure
> provided in the first native structured format directly into a
> second document or database structure in the second native
> structured format based on the translation information, without
> using an intermediate representation of the first document or
> database structure.

<u>Rada</u> and <u>Linden</u> do not disclose or suggest the above-noted elements of Claim 1.

<u>Rada</u> describes the Integrated Chameleon Architecture (ICA), which is a toolse4t for

generating translators among different text markups. <u>Rada</u> states "The ICA is based on an

intermediate format or markup language...the Recoding Toolset changes the markup codes

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[1] This language is found at the bottom of an unnumbered paged of <u>Linden</u>.
[2] This is not an admission that <u>Linden</u> is in fact prior art.

by replacing codes in an original data representation with their intermediate format counterparts."[3] Thus, Rada does not disclose or suggest the claimed "transforming a first document or database structure provided in the first native structured format directly into a second document or database structure in the second native structured format based on the translation information, without using an intermediate representation of the first document or database structure."

Linden, like Rada, uses an intermediate format to perform a translation. Fig. 8 of Linden illustrates the translation process, and requires that the source be first converted into an intermediate "source parse tree." Linden states "The file-to-object parser reads the source file and builds an intermediate representation, a source parse tree over the source grammar."[4] Thus, Linden does not disclose or suggest "transforming a first document or database structure provided in the first native structured format directly into a second document or database structure in the second native structured format based on the translation information, without using an intermediate representation of the first document or database structure."

In the claimed invention, the translation does not require an intermediate format. Rather, a first document in a first native format is translated into a second document in a second native format. This is explained in the specification, at page 17, line 12 to page 20, line 20. In this example, an SGML document is directly translated into HTML, without using an intermediate format.

Furthermore, Burnard does not cure the above-noted deficiencies in Rada and Linden.

In view of the above-noted distinctions, Applicants respectfully submit that Claim 1 (and Claims 2-16, 25, dependent thereon 28-35 dependent thereon) patentably distinguish over Rada, Linden, and Burnard, taken alone or in proper combination.
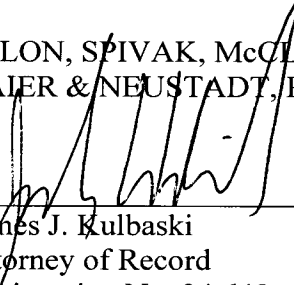
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[3] Rada, section 2.1 on page 100.
[4] Linden, page 17.

In addition, Claims 9 and 17 recite elements analogous to those of Claim 1. Thus, Applicants respectfully submit that Claims 9 and 17 (and Claims 10-16, 18-27, 29, and 30 dependent thereon) patentably distinguish over <u>Rada</u>, <u>Linden</u>, and <u>Burnard</u>, taken alone or in proper combination.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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